

REMARKS

Independent Claim 1 is drawn to a depilatory gel sheet that comprises a gel depilatory composition on and/or in a support. The gel depilatory composition of Claims 1 and 35-36 is one that has a water content of 30-90% by weight.

By including a water-containing gel depilatory composition in the claimed depilatory gel sheet, it is possible to provide a depilatory device that does not need separate moistening prior to application. The claimed gel depilatory composition also includes a hydrophilic polymeric compound that is cross-linked with an ionic-bonding cross-linking agent. By cross-linking the hydrophilic polymeric compound it is possible to avoid migration of the keratin reducing compound to the support. Keeping the keratin reducing compound in the gel depilatory composition that is applied to skin in the need of depilation improves the hair-removing properties of the claimed depilatory gel sheet.

Applicants thank the Office for withdrawing the rejections previously of record in this case. The Office now rejects the claims as obvious over Konno (JP 11-012123). Applicants submit that Konno does not disclose or suggest the gel depilatory sheet of the present claims and thus the rejection should be withdrawn. Each of present Claims 1 and 35-36 recite a gel depilatory composition having a water content of 30-90% by weight. The Konno depilatory sheet is one to which water must be added in order for it to effectively remove hair (see the title of Konno).

Konno in fact teaches away from a depilatory gel sheet having a gel depilatory composition that contains substantial amounts of water. For example, in paragraph [0026] of the machine English translation of Konno, it is disclosed that the addition of water is necessary in order for the Konno depilatory sheet to stick to skin and effectively remove hair. Likewise, paragraph [0041] of Konno makes it clear that it is necessary to apply water to the Konno device in order for it to effectively remove hair.

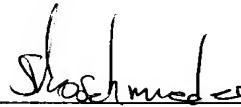
With respect to Example 2 of Konno, Applicants point out that the exemplified depilatory composition does not adhere to the requirements of the present claims; namely, a hydrophilic polymeric material that is cross-linked with a cross-linking agent. At best, Example 2 of Konno describes a polymer-containing composition that includes sodium hydroxide. Sodium hydroxide is not a cross-linking agent because the sodium atom includes only a single positive charge. An ionic crosslinking agent must have at least two charges in order to achieve ionic crosslinking.

Claims 35 and 36 are especially relevant in this regard. Both of Claims 35 and 36 are method claims that "consist of" certain active steps. The transitional phrase "consist of" means, in U.S. patent law, that the claim is a closed claim excluding additional non-recited active steps. The methods of Claims 35 and 36 cannot include the moistening step required by Konno and thus should be further patentable over the Konno reference.

For the reasons discussed above in detail, Applicants submit that withdrawal of the rejections and allowance of all now-pending claims is appropriate.

Respectfully submitted,

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